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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,889	07/26/2000	Ted Chongpi Lee	LEE 4	8036

7590 06/24/2004	EXAMINER
MOSER, PATTERSON & SHERIDAN LLP	MOORE, JAMES K

595 SHREWSBURY AVE
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SHREWSBURY, NJ 07702

ART UNIT	PAPER NUMBER
2686	9

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/625,889	LEE, TED CHONGPI
		Examiner	Art Unit
		James K Moore	2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*21 April 2004*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-15*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-15*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*13 August 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed April 21, 2004 have been fully considered but they

are not persuasive.

The applicant argues, on page 9 of the arguments, that the Lauer reference (U.S.

Patent No. 6,118,936) fails to disclose "providing a respective manageable link

representing each non-managed portion of the circuit, responsive to a determination

that a non-managed portion of the circuit exists." To support this argument, the

applicant points out that Lauer specifically recites that an IEC's area of responsibility

does not include LEC STP to LEC SP signaling links and that these linksets are not

displayed in the user's GUI. The examiner concedes this point. However, Lauer also

recites that "[a]ll IEC and non-IEC nodes connected to the IEC STPs in the cluster are

displayed along with the associated linksets," (see col. 13, line 66 – col. 14, line 1).

Lauer also discloses that the SNMS Nonadjacent Node Map screen display window

"presents an STP pair view of a selected LEC signaling network. All LEC SPs, STPs,

and SCPs (with signaling relationships to the IEC network) connected LEC STP pair are

displayed." See col. 14, lines 10-14. Lauer discloses that "[t]his display allows the

SNMS operator to monitor a LEC signaling network as seen by the IEC nodes." See

col. 14, lines 15-17. Lauer further states that "the IEC STP pair that serves the LATA is

also displayed along with the associated linksets (where applicable). This display

allows the operator to closely monitor a specific LATA if/when problems surface within

the LATA." See col. 14, lines 21-25.

Therefore, although Lauer discloses that inter-LATA links are not displayed by the SNMS, IEC-node to LEC-node links are displayed, so that the SNMS operator can monitor the LEC signaling network as seen by an IEC node. The "circuit," or "manageable link" reads on the IEC node to LEC node linksets displayed by the SNMS, and the LEC node of the linkset reads on the "non-managed portion of the circuit." Therefore, the rejection of claims 1, 5, 9, 11 and 12 stands.

The applicant also disagrees with the examiner taking Official Notice that it is well known in the art to use a Digital Cross Connect in a communications network to couple multiple end users to a single circuit, thereby allowing efficient use of circuit resources. See page 12 of the arguments. The applicant is referred to pages 144-145 of "The Essential Guide to Telecommunications" by Annabel Zodd, which supports the examiner's position. Therefore, the rejection of claims 2-4, 6-8, 10 and 13-15 stands.

Claim Rejections - 35 USC § 102

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3.   Claims 1, 5, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,118,936).

Regarding claim 1, Lauer discloses a method for managing adjunct access for a circuit in a network management system. The method comprises providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-

IEC nodes), responsive to a determination that a non-managed portion of the circuit exists. See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 5, Lauer discloses a method for designing a continuous circuit. The method comprises determining a non-managed portion (non-IEC node) of a circuit exists, and providing a link (linkset) between each non-managed portion of the circuit and a proximate managed portions (IEC nodes) of the circuit. The link may be characterized as a managed carrier link by a network management system (SNMS). See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 9, Lauer discloses a method comprising assigning links (linksets) bridging non-managed portions (non-IEC nodes) of a circuit path. It is inherent that the circuit path is created after a request to provision a circuit is received, and the circuit path is selected within a network comprising a plurality of network elements (IEC and non-IEC nodes). The assigned links may be characterized as managed carrier links. See Figures 8b, 8c and 8e; col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29.

Regarding claim 11, Lauer discloses all of the limitations of claim 9, and also discloses that the non-managed portions of the network comprise adjunct access facilities (LATA facilities). See col. 14, lines 18-29.

Regarding claim 12, Lauer discloses an apparatus (SNMS servers 302/304/306/308) for designing a continuous circuit inherently comprising a processor

and an associated storage device including instructions for controlling the processor.

See col. 4, lines 33-48. The instructions cause the processor to determine whether a

non-managed portion (non-IEC node) of a circuit exists, and to provide a link (a linkset)

between non-managed portions of the circuit and proximate managed portions (IEC

nodes) of the circuit. The link may be characterized as a managed carrier link by a

network management system (SNMS 300). See Figures 8b, 8c and 8e; col. 13, line 55

through col. 14, line 9; and col. 14, lines 18-29.

Claim Rejections - 35 USC § 103

4.   Claims 2-4, 6-8, 10 and 13-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lauer et al. in view of well known prior art.

Regarding claims 2, 6, 10 and 13, Lauer discloses all of the limitations of claims

1, 5, 9 and 12, but does not disclose that each manageable link is coupled to at least

one of a Digital Cross Connect, a Light Wave Guided Cross Connect, and a Distribution

Drop Point. However, the examiner takes Official Notice that it is well known in the art

to use a Digital Cross Connect in a communications network to couple multiple end

users to a single T-1 circuit, thereby allowing efficient use of circuit resources. It would

have been obvious to one of ordinary skill in the art at the time of the invention to modify

Lauer, such that each manageable link is coupled to a Digital Cross Connect, in order to

efficiently use circuit resources.

Regarding claims 3, 7 and 14, Lauer in view of well known prior art teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that each manageable link comprises a fiber optic cable. See col. 2, lines 55-57.

Regarding claims 4, 8 and 15, Lauer in view of well known prior art teaches all of the limitations of claims 2, 6 and 13, and Lauer also discloses that the links comprises a digital carrier. See col. 8, lines 45-61.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Moore, whose telephone number is (703) 308-

6042. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00

PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Marsha Banks-Harold, can be reached at (703) 305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office

whose telephone number is (703) 306-0377.

Ken Moore
                     JKM
6/15/04

CHARLES APPIAH
PRIMARY EXAMINER